

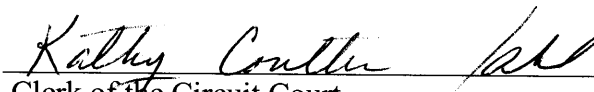
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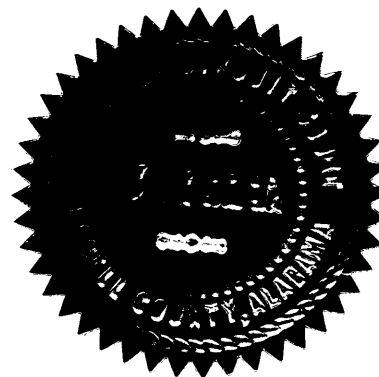
STATE OF ALABAMA)

RUSSELL COUNTY)

The undersigned Clerk of the Circuit Court does hereby certify that the foregoing instruments are true and correct copies of the original file as it appears of record and on file in this office in Phenix City, Alabama.

Witness my hand and the seal of the Circuit Court of Russell County, Alabama, this the 6th day of March, 2006.


Clerk of the Circuit Court
Russell County, Alabama



AVSO300

ALABAMA JUDICIAL DATA CENTER
RUSSELL COUNTY

SUMMONS

CV 2006 000059.00
ALBERT L. JOHNSON

IN THE CIRCUIT COURT OF RUSSELL COUNTY

B GARY DAY VS WALTER EDWARD FRENCH III ET AL

SERVE ON: (D001)

FRENCH WALTER EDWARD III
1814 ELMWOOD DRIVE

COLUMBUS, GA 31906-3553

PLAINTIFF'S ATTORNEY

MARTIN JAMES L
P O BOX 14

EUFULA, AL 36072-0000

TO THE ABOVE N

THE COMPLAINT
TAKE IMMEDIATE
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ADMITTING OR D
ATTORNEY(S) SHCLERK OF CIRCUIT COURT
RUSSELL COUNTY
P. O. BOX 518
PHENIX CITY, AL. 36868-0518

4. Restricted Delivery?

(Extra Fee) ☒ Yes

3. Service Type

CERTIFIED

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2. Article Number

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COMPLETE THIS SECTION ON DELIVERY

A. Received By: (Please Print Clearly)

E. French

B. Signature: ☐ Addressee or ☐ Agent

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C. Date of Delivery

23 Feb '06

D. Addressee's Address (If Different From Address Used by Sender)

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

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DATE: 02/17/2006

1. Article Addressed To:

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OR

WALTER EDWARD FRENCH, III
1814 ELMWOOD DRIVE
COLUMBUS, GA. 31906-3553THE
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CV-06-59

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RETURN ON SERVICE:

() CERTIFIED MAIL RETURN RECEIPT IN THIS OFFICE ON (DATE) _____
(RETURN RECEIPT HERETO ATTACHED)() I CERTIFY THAT I PERSONALLY DELIVERED A COPY OF THE SUMMONS AND
COMPLAINT TO _____

IN _____ COUNTY, ALABAMA ON (DATE) _____

DATE _____

SERVER SIGNATURE _____

SERVER ADDRESS _____

TYPE OF PROCESS SERVER _____

OPERATOR: ANL
PREPARED: 02/17/2006

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ALABAMA JUDICIAL DATA CENTER
RUSSELL COUNTY

SUMMONS

CV 2006 000059.00
ALBERT L. JOHNSON

IN THE CIRCUIT COURT OF RUSSELL COUNTY

B GARY DAY VS WALTER EDWARD FRENCH III ET AL

SERVE ON: (D002)

FRENCH CHRISTOPHER B
8 BRIDGECREEK COURT

COLUMBUS, GA 31904-0000

PLAINTIFF'S ATTORNEY

MARTIN JAMES L
P O BOX 14

EUFULA, AL 36072-0000

TO THE ABOVE NAMED DEFENDANT:

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS, YOU OR YOUR ATTORNEY ARE REQUIRED TO MAIL OR HAND DELIVER A COPY OF A WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT TO THE PLAINTIFFS ATTORNEY(S) SHOWN ABOVE OR ATTACHED:

THIS ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT WERE DELIVERED TO YOU OR A JUDGEMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT. YOU MUST ALSO FILE THE ORIGINAL OF YOUR ANSWER WITH THE COURT BELOW.

() TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY EITHER RULES 4.1(B)(2) OR 4.2(B)(2) OR 4.4(B)(2) OF THE ALABAMA RULES OF CIVIL PROCEDURE: YOU ARE HEREBY COMMANDED TO SERVE THIS SUMMONS AND A COPY OF THE COMPLAINT IN THIS ACTION UPON DEFENDANT.

() THIS SERVICE BY CERTIFIED MAIL OF THIS SUMMONS IS INITIATED UPON THE WRITTEN REQUEST OF _____ PURSUANT TO RULE 4.1(C) OF THE ALABAMA RULES OF CIVIL PROCEDURE.

DATE: 02/17/2006

CLERK: KATHY COULTER

PO BOX 518

PHENIX CITY AL 36868-0510
(334)298-0516BY: 

RETURN ON SERVICE:

() CERTIFIED MAIL RETURN RECEIPT IN THIS OFFICE ON (DATE) _____
(RETURN RECEIPT HERETO ATTACHED)

() I CERTIFY THAT I PERSONALLY DELIVERED A COPY OF THE SUMMONS AND COMPLAINT TO _____

IN _____ COUNTY, ALABAMA ON (DATE) _____

DATE

SERVER SIGNATURE

SERVER ADDRESS

TYPE OF PROCESS SERVER

OPERATOR: ANL
PREPARED: 02/17/2006

AVSO300

ALABAMA JUDICIAL DATA CENTER
RUSSELL COUNTY

SUMMONS

CV 2006 000059.00
ALBERT L. JOHNSONIN THE CIRCUIT COURT OF RUSSELL COUNTY
B GARY DAY VS WALTER EDWARD FRENCH III ET AL

SERVE ON: (D003)

FLORY JOHN
2500 AVERETT DRIVE

COLUMBUS, GA 31906-0000

PLAINTIFF'S ATTORNEY

MARTIN JAMES L
P O BOX 14

EUFULA, AL 36072-0000

TO THE ABOVE

THE COMPLAINT
TAKE IMMEDIATE
REQUIRED TO
ADMITTING OF
ATTORNEY(S)THIS ANSWER
AND COMPLAINT
ENTERED AGAINST
YOU MUST ALSOCLERK OF CIRCUIT COURT
RUSSELL COUNTY
P. O. BOX 518
PHENIX CITY, AL. 36868-0518

4. Restricted Delivery?

(Extra Fee) ☒ Yes

3. Service Type

CERTIFIED

YOU MUST
ARE

2. Article Number

7111 1670 0710 0000 1292

FFS

SUMMONS

COMPLAINT.

COMPLETE THIS SECTION ON DELIVERY

A. Received By: (Please Print Clearly)

John K Flory

B. Signature: (☐ Addressee or ☐ Agent)

X

C. Date of Delivery

2/23/06

D. Addressee's Address (If Different From Address Used by Sender)

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

City

State

ZIP + 4 Code

1. Article Addressed To:

JOHN FLORY
2500 AVERETT DRIVE
COLUMBUS, GA. 31906

D-3

(2) OR

THE

ON THE
1.1 (C)BY: *AK*

3-0510

CV-06-59

RETURN ON SERVICE:

() CERTIFIED MAIL RETURN RECEIPT IN THIS OFFICE ON (DATE) _____
(RETURN RECEIPT HERETO ATTACHED)() I CERTIFY THAT I PERSONALLY DELIVERED A COPY OF THE SUMMONS AND
COMPLAINT TO _____

IN _____ COUNTY, ALABAMA ON (DATE) _____

DATE _____

SERVER SIGNATURE _____

SERVER ADDRESS _____

TYPE OF PROCESS SERVER _____

OPERATOR: ANL
PREPARED: 02/17/2006

"SCANNED"

AVSO300

ALABAMA JUDICIAL DATA CENTER
RUSSELL COUNTY

SUMMONS

CV 2006 000059.00
ALBERT L. JOHNSONIN THE CIRCUIT COURT OF RUSSELL COUNTY
B GARY DAY VS WALTER EDWARD FRENCH III ET AL

SERVE ON: (D004)

SHORT JEROME
3007 COLORADO STREET

COLUMBUS, GA 31906-3318

PLAINTIFF'S ATTORNEY

MARTIN JAMES L
P O BOX 14

EUFULA, AL 36072-0000

TO THE ABOVE

THE COMPLAINT
TAKE IMMEDIATE
REQUIRED TO
ADMITTING
ATTORNEY(S)THIS ANSWER
AND COMPLAINT
ENTERED AGAINST
YOU MUST ANSWERCLERK OF CIRCUIT COURT
RUSSELL COUNTY
P. O. BOX 518
PHENIX CITY, AL. 36868-0518

4. Restricted Delivery?

(Extra Fee) ☒ Yes

3. Service Type

CERTIFIED

2. Article Number

7111 1670 0710 0000 1308

COMPLETE THIS SECTION ON DELIVERY

A. Received By: (Please Print Clearly)

B. Signature: (☐ Addressee or ☐ Agent)

C. Date of Delivery

D. Addressee's Address (If Different From Address Used by Sender)

Secondary Address / Suite / Apt. / Floor (Please Print Clearly)

Delivery Address

City

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ZIP + 4 Code



7111 1670 0710 0000 1308

1. Article Addressed To:

JEROME SHORT
3007 COLORADO STREET
COLUMBUS, GA. 31906YOU MUST
ANSWER

CITIZENS

SUMMONS

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4.1 (C)BY: *AS*

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CV 06-59

RETURN ON SERVICE:

() CERTIFIED MAIL RETURN RECEIPT IN THIS OFFICE ON (DATE) _____
(RETURN RECEIPT HERETO ATTACHED)() I CERTIFY THAT I PERSONALLY DELIVERED A COPY OF THE SUMMONS AND
COMPLAINT TO _____

IN _____ COUNTY, ALABAMA ON (DATE) _____

DATE _____

SERVER SIGNATURE _____

SERVER ADDRESS _____

TYPE OF PROCESS SERVER _____

OPERATOR: ANL
PREPARED: 02/17/2006

"SCANNED"

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

B. GARY DAY

Plaintiff,

v.

WALTER EDWARD FRENCH, III,
CHRISTOPHER B. FRENCH,
JOHN FLORY, and
JEROME SHORT,

Defendants.

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Civil Action No. ^{CV}2006- 59

FILED IN OFFICE
2006 FEB 16 AM 11:11
CLERK/CLERK
RUSSELL CO., ALA

COMPLAINT

COUNT ONE

1. On or about the 21st day of February, 2004, the defendants damaged the Plaintiff's land in Russell County, Alabama by setting fire to it. Said land is described as follows:

TRACT ONE: All that part of the South Half of Section 4, Township 14 North, Range 31 East, Russell County, Alabama, lying West of the Chattahoochee River and containing 151 acres, more or less.

TRACT TWO: The East Half of the Southeast Quarter of section 5, Township 14 North, Range 31

"SCANNED"

East, Russell County, Alabama, containing 80 acres, more or less.

TRACT THREE: A parcel of land containing 19 acres, more or less, in the Northwest Quarter of Section 9, Township 14 North, Range 31 East, Russell County, Alabama, being more particularly described as follows: BEGIN at the Northwest corner of said section 9 and run South 5 chains; thence run East 37.50 chains to the Chattahoochee River 5 chains to the Section line; thence run West along said Section line 37.50 chains to the POINT OF BEGINNING.

TRACT FOUR: A parcel of land containing 5.75 acres, more or less, lying in the East part of the Southwest Quarter of Section 5, Township 14 North, Range 31 East, Russell County, Alabama and being more particularly described as follows: BEGIN at the Northeast corner of the Southwest Quarter of the Southeast Quarter of said Section 5, and run thence West 5.65 chains to the right of way line of McLendon Rd; thence run South 27 degrees East along said road 5.36 chains; thence run South 44 degrees West 1.69 chains to a china tree marked for the corner; thence run South 18 degrees East 15 chains to the Southeast corner of the Southwest Quarter of the Southeast Quarter of Section 5; thence run North 20 chains to the POINT OF BEGINNING.

The above land aggregating 255.25 acres, more or less.

LESS AND EXCEPT: The portion of the above described property containing 24.10 acres, more or less, conveyed to the United States of America warranty deed dated May 10, 1961, and recorded in Deed book 335 at page 336.

Subject to easements and restrictions of record.

Said act(s) of setting fire to Plaintiff's land was done negligently, intentionally, maliciously and wantonly.

As a proximate result of said acts, the Plaintiff has been damaged, to wit:

A) Plaintiff purchased said land for a commercial hunting preserve and now will lose revenue for at least two (2) years due to destruction of sage fields, prime habitat for quail and wild hogs. Plaintiff financed \$117,945.00 of the purchase price of said land and owes 5 annual installments of \$35,589 plus 4% interest due in February of each year, beginning February, 2005. The money for said payment was to be derived from use of the land as a commercial hunting preserve, i.e., quail and wild hogs.

Plaintiff also claims punitive damages for the intentional, wanton, reckless acts of the Defendants.

Wherefore, the plaintiff demands judgment against the Defendants for compensatory and punitive damages.

COUNT TWO

1. Plaintiff adopts and realleges the allegations set out in Count One, as if set out here in full.

2. On or about February 21, 2004, Defendants intentionally and/or recklessly caused Plaintiff to suffer emotional distress by setting fire to Plaintiff's land that he had purchased to use as a commercial hunting preserve.

3. Defendants' said actions toward the Plaintiff were so outrageous in character, and so extreme in degree as to go beyond all possible bounds of decency, and are atrocious and utterly intolerable in a civilized society.

4. The emotional distress that Defendants caused Plaintiff to suffer was so severe that no reasonable person could be expected to endure it.

5. Plaintiff has been damaged as set out above.

6. The Plaintiff claims punitive damages of the Defendants.

Wherefore, the plaintiff demands judgment against the Defendants for compensatory and punitive damages.

COUNT THREE

1. Plaintiff re-alleges and adopts the allegations set out above as if set out here in full.

2. On or about February 21, 2004, the defendants trespassed on Plaintiff's land, described above, and caused damage to it by burning it.

3. Plaintiff has been damaged as set out above.

Wherefore, the plaintiff demands judgment against the Defendants for compensatory and punitive damages.

COUNT FOUR

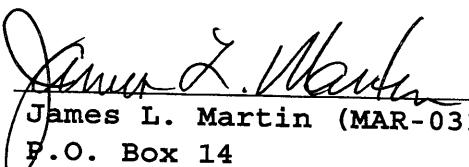
1. Plaintiff re-alleges and adopts the allegations set out above as if set out here in full.

2. Defendants conspired to commit the unlawful, intentional, malicious and outrageous acts on Plaintiff's land.

3. Plaintiff has been damaged as set out above.

Wherefore, the plaintiff demands judgment against the Defendants for compensatory and punitive damages.

JAMES L. MARTIN, P.C.

BY: 
James L. Martin (MAR-031)
P.O. Box 14
Eufaula, Alabama 36072-0014
(334) 687-2766

SMITH & SMITH, P.C.

BY: _____
Sydney S. Smith
1503 Broad Street
Phenix City, AL 36867